

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAQUAVIS DESHAWN MARTIN,

Petitioner,

v.

Case No. 18-13964
Honorable Linda V. Parker

ADAM DOUGLAS,¹

Respondent.

**ORDER AMENDING CASE CAPTION & DENYING WITHOUT
PREJUDICE PETITIONER'S MOTION TO DISMISS [ECF NO. 29]**

Michigan prisoner Daquavis Deshawn Martin (“Petitioner”) filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his petition, as supplemented, he raises claims concerning sufficiency of the evidence, conduct of the prosecutor, effectiveness of trial counsel, pre-trial identification procedures, and the trial court’s denial of discovery requests. Respondent filed an Answer to the petition, contending that it should be denied. The matter is now before the

¹ Petitioner has notified the Court that he is currently confined at the Saginaw Correctional Facility in Freeland, Michigan. (See ECF No. 28.) Consequently, the proper respondent in this case is the warden at that facility who has custody of him. See 28 U.S.C. § 2243; 28 U.S.C. foll. § 2254, Rule 2(a); FED. R. CIV. P. 81(a)(4). Accordingly, the Court amends the case caption to name Adam Douglas as the respondent.

Court on Petitioner's "Motion to Dismiss" (ECF No. 29) in which he asks the Court to dismiss his pleadings but simultaneously appears to request that he be granted habeas relief. (*See* ECF No. 29 at Page ID 1414.)

Given the conflicting nature of Petitioner's motion, the Court is reluctant to act on his request "to dismiss" his pleadings. Accordingly, the Court denies the motion without prejudice. Should Petitioner seek to dismiss this case, he may file a clear request to voluntarily dismiss, without prejudice, his habeas petition. If he does not do so, the case shall remain on the Court's active docket for further consideration of his habeas claims.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 25, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 25, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager